

Honorable Benjamin H. Settle

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MONET CARTER-MIXON, as Personal  
Representative of the Estate of MANUEL  
ELLIS, and MARCIA CARTER,

Plaintiffs,

v.

CITY OF TACOMA, CHRISTOPHER  
BURBANK, MATTHEW COLLINS,  
MASYIH FORD, TIMOTHY RANKINE,  
ARMANDO FARINAS, RON  
KOMAROVSKY, PIERCE COUNTY,  
GARY SANDERS, and ANTHONY  
MESSINEO,

Defendants.

NO. 21-CV-05692 BHS

ANSWER AND AFFIRMATIVE  
DEFENSES OF DEFENDANT COLLINS  
TO PLAINTIFFS' FIRST AMENDED  
COMPLAINT

COMES NOW Defendant Matthew Collins, by and through his attorney, Casey  
M. Arbenz of Puget Law Group, LLP, and answer Plaintiffs' first amended complaint  
as follows:

**1. NATURE OF ACTION**

1.1 Answering paragraph 1.1, Defendant Collins admits that the Plaintiffs  
have stated the identity of the parties, the nature of the action, and the claims asserted  
in their Amended Complaint. Except as admitted, denied.

ANSWER AND AFFIRMATIVE DEFENSES OF  
DEFENDANT COLLINS - 1



1.2 Answering paragraph 1.2, Defendant Collins admits that the named officers were all on duty as police officers with the City of Tacoma at the time of their interaction with Mr. Ellis. Except as admitted, denied.

1.3 Answering paragraph 1.3, Defendant Collins denies all allegations.

1.4 The allegations contained in paragraph 1.4 are directed to another defendant. No answer is required from Defendant Collins. To the extent any answer is required, denied for lack of information.

1.5 The allegations contained in paragraph 1.5 are directed to another defendant. No answer is required from Defendant Collins. To the extent any answer is required, denied for lack of information.

## II. PARTIES

2.1 Answering paragraph 2.1, Defendant Collins denies all allegations for lack of information.

2.2 Answering paragraph 2.2, Defendant Collins denies all allegations for lack of information.

2.3 Answering paragraph 2.3, Defendant Collins admits that at all relevant times, Christopher Burbank was employed as a law enforcement officer by the City of Tacoma. Except as admitted, denied for lack of information.

2.4 Answering paragraph 2.4, Defendant Collins admits that at all relevant times that he was employed as a law enforcement officer by the City of Tacoma. Except as admitted, denied for lack of information.



1           2.5     Answering paragraph 2.4, Defendant Collins admits that at all relevant  
2 times, Timothy Rankine was employed as a law enforcement officer by the City of  
3 Tacoma. Except as admitted, denied for lack of information.

4           2.6     Answering paragraph 2.4, Defendant Collins admits that at all relevant  
5 times, Masyih Ford was employed as a law enforcement officer by the City of Tacoma.  
6 Except as admitted, denied for lack of information.

7           2.7     Answering paragraph 2.4, Defendant Collins admits that at all relevant  
8 times, Armando Farinas was employed as a law enforcement officer by the City of  
9 Tacoma. Except as admitted, denied for lack of information.

10          2.8     Answering paragraph 2.4, Defendant Collins admits that at all relevant  
11 times, Ron Komarovsky was employed as a law enforcement officer by the City of  
12 Tacoma. Except as admitted, denied for lack of information.

13          2.9     Answering paragraph 2.9, Defendant Collins admits that Defendant City  
14 of Tacoma is a municipal corporation in the Western District of Washington and that at  
15 all relevant times, the named officers were employees of the City of Tacoma. Except  
16 as admitted, denied.

17          2.10    The allegations in paragraph 2.10 are directed at another defendant. No  
18 answer is required from Defendant Collins. To the extent any answer is required,  
19 denied for lack of knowledge.

20          2.11    The allegations in paragraph 2.10 are directed at another defendant. No  
21 answer is required from Defendant Collins. To the extent any answer is required,  
22 denied for lack of knowledge.  
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1           2.12 The allegations in paragraph 2.10 are directed at another defendant. No  
2 answer is required from Defendant Collins. To the extent any answer is required,  
3 denied for lack of knowledge.

### 4                                   **III. JURISDICTION AND VENUE**

5           3.1 Answering paragraph 3.1, Defendant Collins admits that this Court has  
6 jurisdiction over the federal claims asserted in Plaintiff's Amended Complaint.

7           3.2 Answering paragraph 3.2, Defendant Collins admits that this Court has  
8 supplemental jurisdiction over Plaintiff's state law claims.

9           3.3 Answering paragraph 3.3, Defendant Collins admits that venue is proper.  
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### 11                                   **IV. FACTS**

12           4.1 Answering paragraph 4.1, Defendant Collins denies all allegations for  
13 lack of knowledge.

14           4.2 Answering paragraph 4.2, Defendant Collins denies all allegations for  
15 lack of knowledge.

16           4.3 Answering paragraph 4.3, Defendant Collins denies all allegations.

17           4.4 Answering paragraph 4.4, Defendant Collins denies all allegations.

18           4.5 Answering paragraph 4.5, Defendant Collins denies all allegations.

19           4.6 Answering paragraph 4.6, Defendant Collins admits that he and Officer  
20 Burbank exited their patrol vehicle at some point during their interaction with Mr. Ellis  
21 and admit that there is partial video of this incident. Except as admitted, denied.

22           4.7 Answering paragraph 4.7, Defendant Collins admits that Mr. Ellis was  
23 unarmed.  
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1           4.8     Answering paragraph 4.8, Defendant Collins admits that he has served  
2 in the United States Army and was wearing a Tacoma Police Department uniform  
3 including a bulletproof vest. Except as admitted, denied for lack of information.

4           4.9     Answering paragraph 4.9, Defendant Collins admits that Officer Burbank  
5 was wearing a Tacoma Police Department uniform including a bulletproof vest. Except  
6 as admitted, denied for lack of information.

7           4.10    Answering paragraph 4.10, Defendant Collins denies all allegations.

8           4.11    Answering paragraph 4.11, Defendant Collins denies all allegations.

9           4.12    Answering paragraph 4.12, Defendant Collins denies all allegations.

10          4.13    Answering paragraph 4.13, Defendant Collins denies all allegations.

11          4.14    Answering paragraph 4.14, Defendant Collins denies all allegations.

12          4.15    Answering paragraph 4.15, Defendant Collins denies all allegations.

13          4.16    Answering paragraph 4.16, Defendant Collins denies all allegations.

14          4.17    Answering paragraph 4.17, Defendant Collins admits that Officers  
15 Rankine and Ford responded to the scene. Except as admitted, denied.

16          4.18    Answering paragraph 4.18, Defendant Collins denies all allegations for  
17 lack of information.

18          4.19    Answering paragraph 4.19, Defendant Collins admits that Officer Rankin  
19 assisted in restraining Manuel Ellis. Except as admitted, denied.

20          4.20    Answering paragraph 4.20, Defendant Collins admits that Mr. Ellis was  
21 restrained in handcuffs. Except as admitted, denied.

22          4.21    Answering paragraph 4.21, Defendant Collins denies all allegations.

23          4.22    Answering paragraph 4.22, Defendant Collins denies all allegations.

1           4.23    Answering paragraph 4.23, Defendant Collins admits that a hobble  
2 restraint was applied while restraining Manuel Ellis. Except as admitted, denied.

3           4.24    Answering paragraph 4.24, Defendant Collins denies all allegations.

4           4.25    Answering paragraph 4.25, Defendant Collins admits that multiple  
5 officers were required to restrain Manuel Ellis. Except as admitted, denied.

6           4.26    Answering paragraph 4.26, Defendant Collins denies all allegations.

7           4.27    Answering paragraph 4.27, Defendant Collins admits that multiple  
8 officers were required to restrain Manuel Ellis. Except as admitted, denied.

9           4.28    Answering paragraph 4.28, Defendant Collins denies.

10          4.29    Answering paragraph 4.29, Defendant Collins denies all allegations.

11          4.30    Answering paragraph 4.30, Defendant Collins denies all allegations.

12          4.31    Answering paragraph 4.31, Defendant Collins admits that Officer  
13 Komarovsky responded to the incident scene. Except as admitted, denied.

14          4.32    Answering paragraph 4.32, Defendant Collins admits that Officer Farinas  
15 responded to the incident scene. Except as admitted, denied.

16          4.33    Answering paragraph 4.33, Defendant Collins Burbank admits that  
17 Manuel Ellis was restrained during the incident. Except as admitted, denied.

18          4.34    Answering paragraph 4.34, Defendant Collins denies all allegations for  
19 lack of knowledge.

20          4.35    Answering paragraph 4.35, Defendant Collins admits that a spit sock  
21 was applied to Manuel Ellis. Except as admitted, denied.

22          4.36    Answering paragraph 4.36, Defendant Collins denies all allegations.

23          4.37    Answering paragraph 4.37, Defendant Collins denies all allegations.

1 4.38 Answering paragraph 4.38, Defendant Collins denies all allegations.

2 4.39 Answering paragraph 4.39, Defendant Collins denies all allegations.

3 4.40 Answering paragraph 4.40, Defendant Collins denies all allegations.

4 4.41 Answering paragraph 4.41, Defendant Collins denies all allegations.

5 4.42 Answering paragraph 4.42, Defendant Collins denies all allegations.

6 4.43 Answering paragraph 4.43, Defendant Collins denies all allegations.

7 4.44 Answering paragraph 4.44, Defendant Collins denies all allegations.

8 4.45 Answering paragraph 4.45, Defendant Collins denies all allegations.

9 4.46 The allegations in paragraph 4.46 are directed at another defendant. No  
10 answer is required by Defendant Collins. To the extent any answer is required, denied.

11 4.47 The allegations in paragraph 4.47 are directed at another defendant. No  
12 answer is required by Defendant Collins. To the extent any answer is required, denied.

13 4.48 The allegations in paragraph 4.48 are directed at another defendant. No  
14 answer is required by Defendant Collins. To the extent any answer is required, denied.

15 4.49 The allegations in paragraph 4.49 are directed at another defendant. No  
16 answer is required by Defendant Collins. To the extent any answer is required, denied.

17 4.50 Answering paragraph 4.50, Defendant Collins admits that the officers  
18 called for medical assistance for Manuel Ellis. Except as admitted, denied.

19 4.51 Answering paragraph 4.51, Defendant Collins denies all allegations.

20 4.52 Answering paragraph 4.52, Defendant Collins denies all allegations.

21 4.53 Answering paragraph 4.53, Defendant Collins admits that the Tacoma  
22 Fire Department responded to the incident scene. Except as admitted, denied.

23 4.54 Answering paragraph 4.54, Defendant Collins denies all allegations.  
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1           4.55    Answering paragraph 4.55, Defendant Collins denies all allegations.

2           4.56    Answering paragraph 4.56, Defendant Collins admits that emergency  
3 personnel attempted to provide aid to Manuel Ellis. Except as admitted, denied.

4           4.57    Answering paragraph 4.57, Defendant Collins denies all allegations for  
5 lack of information.

6           4.58    Answering paragraph 4.58, Defendant Collins denies all allegations for  
7 lack of information.

8           4.59    Answering paragraph 4.59, Defendant Collins denies all allegations for  
9 lack of information.

10          4.60    Answering paragraph 4.60, Defendant Collins denies all allegations for  
11 lack of information.

12          4.61    Answering paragraph 4.61, Defendant Collins denies all allegations.

13          4.62    The allegations in paragraph 4.62 are directed at another defendant. No  
14 answer is required by Defendant Collins. To the extent any answer is required, denied  
15 for lack of information.

16          4.63    The allegations in paragraph 4.63 are directed at another defendant. No  
17 answer is required by Defendant Collins. To the extent any answer is required, denied  
18 for lack of information.

19          4.64    The allegations in paragraph 4.64 are directed at another defendant. No  
20 answer is required by Defendant Collins. To the extent any answer is required, denied  
21 for lack of information.

22          4.65    Paragraph 4.65 states a legal conclusion to which no answer is required.  
23 To the extent any answer is required, denied.  
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1           4.66 The allegations in paragraph 4.66 are directed at another defendant. No  
2 answer is required by Defendant Collins . To the extent any answer is required, denied  
3 for lack of information.

4           4.67 The allegations in paragraph 4.67 are directed at another defendant. No  
5 answer is required by Defendant Collins . To the extent any answer is required, denied  
6 for lack of information.

7           4.68 The allegations in paragraph 4.68 are directed at another defendant. No  
8 answer is required by Defendant Collins. To the extent any answer is required, denied  
9 for lack of information.

10          4.69 The allegations in paragraph 4.69 are directed at another defendant. No  
11 answer is required by Defendant Collins. To the extent any answer is required, denied  
12 for lack of information.

13          4.70 The allegations in paragraph 4.70 are directed at another defendant. No  
14 answer is required by Defendant Collins. To the extent any answer is required,  
15 Defendant Collins denies that Manuel Ellis was “choked” and denies all other  
16 allegations for lack of information.

17          4.71 The allegations in paragraph 4.71 are directed at another defendant. No  
18 answer is required by Defendant Collins. To the extent any answer is required, denied.

19          4.72 Paragraph 4.72 states a legal conclusion to which no answer is required  
20 and is directed at another defendant. No answer is required from Defendant Collins to  
21 the extent any answer is required, denied.  
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1           4.73 Paragraph 4.73 states a legal conclusion to which no answer is required  
2 and is directed at another defendant. No answer is required from Defendant Collins.

3 To the extent any answer is required, denied.

4           4.74 Paragraph 4.74 states a legal conclusion to which no answer is required  
5 and is directed at another defendant. No answer is required from Defendant Collins.

6 To the extent any answer is required, denied.

7           4.75 The allegations in paragraph 4.75 are directed at another defendant. No  
8 answer is required by Defendant Collins. To the extent any answer is required, denied  
9 for lack of information.

10           4.76 The allegations in paragraph 4.76 are directed at another defendant. No  
11 answer is required by Defendant Collins. To the extent any answer is required, denied  
12 for lack of information.

13           4.77 The allegations in paragraph 4.77 are directed at another defendant. No  
14 answer is required by Defendant Collins. To the extent any answer is required, denied  
15 for lack of information.

16           4.78 The allegations in paragraph 4.78 are directed at another defendant. No  
17 answer is required by Defendant Collins. To the extent any answer is required, denied  
18 for lack of information.

19           4.79 Answering paragraph 4.79, Defendant Collins admits that he declined to  
20 answer questions without counsel present on March 4, 2020. Except as admitted,  
21 denied.  
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1           4.80   The allegations in paragraph 4.80 are directed at another defendant. No  
2 answer is required by Defendant Collins. To the extent any answer is required, denied  
3 for lack of information.

4           4.81   The allegations in paragraph 4.81 are directed at another defendant. No  
5 answer is required by Defendant Collins. To the extent any answer is required, denied  
6 for lack of information.

7           4.82   Paragraph 4.82 states a legal conclusion to which no answer is required  
8 and is directed at another defendant. No answer is required from Defendant Collins.  
9 To the extent any answer is required, denied.

10          4.83   The allegations in paragraph 4.83 are directed at another defendant. No  
11 answer is required by Defendant Collins. To the extent any answer is required, denied  
12 for lack of information.

13          4.84   Answering paragraph 4.84, Defendant Collins admits that he was placed  
14 on administrative leave. Except as admitted, denied.

15          4.85   Answering paragraph 4.85, Defendant Collins admits he returned to  
16 work after being placed on administrative leave, but denies all further allegations.

17          4.86   The allegations in paragraph 4.86 are directed at another defendant. No  
18 answer is required by Defendant Collins. To the extent any answer is required, denied  
19 for lack of information.

20          4.87   The allegations in paragraph 4.87 are directed at another  
21 defendant. No answer is required by Defendant Collins. To the extent any answer is  
22 required, denied for lack of information.  
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1           4.88    Answering paragraph 4.88, Defendant Collins denies all allegations for  
2 lack of information.

3           4.89    Answering paragraph 4.89, Defendant Collins admits that Victoria  
4 Woodards was at all relevant times mayor of the City of Tacoma. Except as admitted,  
5 denies for lack of information.

6           4.90    Answering paragraph 4.90, Defendant Collins denies for lack of  
7 information.

8           4.91    The allegations in paragraph 4.91 are directed at another defendant. No  
9 answer is required by Defendant Collins. To the extent any answer is required, denied  
10 for lack of information.

11           4.92    Answering paragraph 4.92, Defendant Collins denies all allegations for  
12 lack of information.

13           4.93    The allegations in paragraph 4.93 are directed at another defendant. No  
14 answer is required by Defendant Collins. To the extent any answer is required, denied  
15 for lack of information.

16           4.94    Answering paragraph 4.94, Defendant Collins denies for lack of  
17 information.

18           4.95    Answering paragraph 4.95, Defendant Collins admits that he  
19 declined to be interviewed by Washington State Patrol. Except as admitted, the  
20 allegations are denied.

21           4.96    Answering paragraph 4.96, Defendant Collins denies for lack of  
22 information.  
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1           4.97 Answering paragraph 4.97, Defendant Collins denies for lack of  
2 information.

3           4.98 Answering paragraph 4.98, Defendant Collins denies for lack of  
4 information.

5           4.99 Answering paragraph 4.99, Defendant Collins denies for lack of  
6 information.

7           4.100 Answering paragraph 4.100, Defendant Collins denies all allegations for  
8 lack of information.

9           4.101 Answering paragraph 4.101, Defendant Collins denies all allegations for  
10 lack of information.

11           4.102 Answering paragraph 4.102, Defendant Collins admits that the  
12 Washington State Attorney General announced its charging decision in May 2021.  
13 Except as admitted, denied for lack of information.

14           4.103 Answering paragraph 4.103, Defendant Collins admits that this  
15 paragraph contains an excerpt from the Declaration of Probable Cause filed by the  
16 Attorney General. Except as admitted, denied.

17           4.104 Answering paragraph 4.104, Defendant Collins admits that he and the  
18 named officers have entered pleas of not guilty.

19           4.105 Paragraph 4.105 states a legal conclusion to which no answer is  
20 required. To the extent any answer is required, denied.

21           4.106 Answering paragraph 4.106, Defendant Collins admits that he has been  
22 paid while on paid administrative leave. Except as admitted, denied.

23           4.107 Answering paragraph 4.107, Defendant Collins denies all allegations.  
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1 4.108 Answering paragraph 4.108, Defendant Collins denies all allegations.

2 4.109 Answering paragraph 4.109, Defendant Collins denies all allegations.

3 4.110 Answering paragraph 4.110, Defendant Collins denies all allegations.

4 4.111 Answering paragraph 4.111, Defendant Collins denies all allegations.

5 4.112 Answering paragraph 4.112, Defendant Collins denies all allegations.

6 4.113 Answering paragraph 4.113, Defendant Collins denies all allegations.

7 4.114 The allegations in paragraph 4.93 are directed at another defendant. No  
8 answer is required by Defendant Collins. To the extent any answer is required, denied  
9 for lack of information.

10 4.115 Answering paragraph 4.115, Defendant Collins denies all allegations.

11 4.116 Answering paragraph 4.116, Defendant Collins denies all allegations.

12 4.117 Answering paragraph 4.117, Defendant Collins denies all allegations.

13 4.118 Answering paragraph 4.118, Defendant Collins denies all allegations.

14 4.119 The allegations contained in paragraph 4.119 are directed to another  
15 defendant. No answer is required from Defendant Collins. To the extent any answer is  
16 required, denied for lack of information.

17 4.120 The allegations contained in paragraph 4.120 are directed to another  
18 defendant. No answer is required from Defendant Collins. To the extent any answer is  
19 required, denied for lack of information.

20 4.121 The allegations contained in paragraph 4.121 are directed to another  
21 defendant. No answer is required from Defendant Collins. To the extent any answer is  
22 required, denied for lack of information.  
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4.122 The allegations contained in paragraph 4.122 are directed to another defendant. No answer is required from Defendant Collins. To the extent any answer is required, denied for lack of information.

4.123 The allegations contained in paragraph 4.123 are directed to another defendant. No answer is required from Defendant Collins. To the extent any answer is required, denied for lack of information.

4.124 Answering paragraph 4.124, Defendant Collins denies all allegations.

4.125 The allegations contained in paragraph 4.125 are directed to another defendant. No answer is required from Defendant Collins. To the extent any answer is required, denied for lack of information.

4.126 Answering paragraph 4.126, Defendant Collins denies all allegations for lack of information.

## V. CAUSES OF ACTION

5.1 Answering paragraph 5.1, Defendant Collins denies all allegations.

5.2 Answering paragraph 5.2, Defendant Collins denies all allegations.

5.3 The allegations in paragraph 5.8 are directed to another defendant. No answer is required from Defendant Collins. To the extent any answer is required, denied.

5.4 The allegations in paragraph 5.8 are directed to another defendant. No answer is required from Defendant Collins. To the extent any answer is required, denied.



1           5.5     The allegations in paragraph 5.8 are directed to another defendant. No  
2 answer is required from Defendant Collins. To the extent any answer is required,  
3 denied.

4           5.6     Answering paragraph 5.6, Defendant Collins denies all allegations for  
5 lack of information.

6           5.7     The allegations in paragraph 5.8 are directed to another defendant. No  
7 answer is required from Defendant Collins. To the extent any answer is required,  
8 denied.

9           5.8     The allegations in paragraph 5.8 are directed to another defendant. No  
10 answer is required from Defendant Collins. To the extent any answer is required,  
11 denied.

12           5.9     The allegations in paragraph 5.9 are directed to another defendant. No  
13 answer is required from Defendant Collins. To the extent any answer is required,  
14 denied.

15           5.10    The allegations in paragraph 5.10 are directed to another defendant. No  
16 answer is required from Defendant Collins. To the extent any answer is required,  
17 denied.

18           5.11    The allegations in paragraph 5.11 are directed to another defendant. No  
19 answer is required from Defendant Collins. To the extent any answer is required,  
20 denied.

21           5.12    The allegations in paragraph 5.12 are directed to another defendant. No  
22 answer is required from Defendant Collins. To the extent any answer is required,  
23 denied.



1           5.13    Answering paragraph 5.13, Defendant Collins denies all allegations.

2           5.14    Answering paragraph 5.14, Defendant Collins denies all allegations.

3           5.15    Answering paragraph 5.15, Defendant Collins denies all allegations.

4           5.16    Answering paragraph 5.16, Defendant Collins denies all allegations.

5           5.17    Answering paragraph 5.17, Defendant Collins denies for lack of  
6 knowledge. Answering the allegations contained in footnote 6, placed at the end of  
7 this paragraph, Defendant Collins denies for lack of knowledge.

8           5.18    Paragraph 5.18 states a legal conclusion to which no answer is required.  
9 To the extent any answer is required, denied.

10          5.19    The allegations in paragraph 5.19 are directed to another defendant. No  
11 answer is required from Defendant Collins. To the extent any answer is required,  
12 denied.

13          5.20    Paragraph 5.20 states a legal conclusion to which no answer is required  
14 and is directed at another defendant. No answer is required from Defendant Collins.  
15 To the extent any answer is required, denied.

16          5.21    Answering paragraph 5.21, Defendant Collins denies all allegations.

17          5.22    Answering paragraph 5.22, Defendant Collins denies all allegations.

18          5.23    Answering paragraph 5.23, Defendant Collins denies all allegations for  
19 lack of information.

20          5.24    Answering paragraph 5.24, Defendant Collins denies all allegations.

21          5.25    Answering paragraph 5.25, Defendant Collins denies all allegations.

22          5.26    Answering paragraph 5.26, Defendant Collins denies all allegations.

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## **VI. DAMAGES ALLEGED**

6.1 Answering paragraph 6.1, Defendant Collins denies all allegations.

6.2 Answering paragraph 6.2, Defendant Collins denies all allegations for lack of information.

6.3 Answering paragraph 6.3, Defendant Collins denies all allegations.

6.4 Answering paragraph 6.4, Defendant Collins denies all allegations.

6.5 Answering paragraph 6.5, Defendant Collins denies all allegations.

6.6 Answering paragraph 6.6, Defendant Collins denies all allegations.

6.7 Answering paragraph 6.7, Defendant Collins denies all allegations.

6.8 Answering paragraph 6.8, Defendant Collins denies all allegations.

Additionally, paragraphs 6.1 through 6.8 constitute Plaintiffs' prayer for relief. Defendant Collins denies that Plaintiffs are entitled to any of the relief requested therein.

## **AFFIRMATIVE DEFENSES**

FURTHER, AND BY WAY OF AFFIRMATIVE AND OTHER DEFENSES, Defendant Collins alleges as follows:

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### **FIRST AFFIRMATIVE DEFENSE**

Plaintiffs have failed to state a claim upon which relief may be granted.

### **SECOND AFFIRMATIVE DEFENSE**

Defendant Collins is entitled to qualified immunity under both federal and state law.



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Plaintiffs' damages are proximately caused entirely by the conduct of Manuel Ellis, who initiated a violent confrontation with the officers and died from a self-administered lethal dose of methamphetamine.

All of Plaintiffs' state law claims are barred under RCW 5.40.060(1).

## SIXTH AFFIRMATIVE DEFENSE

## PRAYER FOR RELIEF

1. That Plaintiffs' prayer for relief be denied in its entirety;
2. That Plaintiff's claims be dismissed with prejudice and without costs;
3. For Defendant Collins costs, disbursements and attorney fees to the fullest extent allowed by law; and
4. For such other and further relief as the court deems appropriate.

DATED THIS 28th day of February, 2022.

PUGET LAW GROUP, LLP  
Attorneys for Defendant Collins



By:

Casey M. Arbenz, WSBA #40581

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ANSWER AND AFFIRMATIVE DEFENSES OF  
DEFENDANT COLLINS - 21



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